**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929**

**OP.No. 9689 of 2001(C)**
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**PETITIONER:**
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**G.SUNIL KUMAR,**
**IIND GRADE DRAFTSMAN,**
**TOWN PLANNING OFFICE,**
**PATHANAMTHITTA.**

**BY ADV. SRI.T.H.ABDUL AZEEZ**
**SRI.K.PRAVEEN BABU**

**RESPONDENT:**
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**THE SECRETARY,**
**LOCAL ADMINISTRATION DEPARTMENT,**
**THIRUVANANTHAPURAM.**

**BY**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ORDER ON C.M.P.NO.15489/2001 IN O.P.NO.9689/2001 C**

**CLOSED**

**08/06/2007** **SD/-THOTTATHIL B.RADHAKRISHNAN,JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:** **COPY OF THE G.O.(P) NO.7/95/P&ARD DTD. 30/03/95.**

**EXT.P2:** **COPY OF THE DIPLOMA CERTIFICATE ISSUED BY THE JOINT CONTROLLER OF TECHNICAL EXAMINATIONS KERALA IN FAVOUR OF THE PETITIONER.**

**EXT.P3:** **COPY OF THE G.O.(P) NO.12/99 P&ARD DTD. 24/05/99.**

**EXT.P4:** **COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.**

**EXT.P5:** **COPY OF THE ORDER DTD. 23/06/1993 ISSUED IN FAVOUR OF MINI MARY VARGHESE BY THE RESPONDENT.**

**EXT.P6:** **COPY OF ORDER ISSUED BY HIGHER EDUCATION (G) DEPARTMENT DTD. 10/10/1995 NO.G.O.(MS) 166/95 UEDN.**

**EXT.P7:** **COPY OF ORDER ISSUED BY REVENUE (E) DEPARTMENT DTD. 5/08/2003 NO.G.O.(MS) 240/2003/RD.**

**/TRUE COPY/**

*KSS*

**THOTTATHIL B. RADHAKRISHNAN, J.**

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O.P.No.9689 of 2001 (C)

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Dated this the 8th day of June, 2007

**J U D G M E N T**

The petitioner, a compassionate recruit, as a dependant of his father, who died on 02/11/1998, was appointed as a Second Grade Draftsman, as per order dated 19/07/1999, on the basis of his application dated 22/01/1999. He claims that in terms of Ext.P1 Government Order, he was entitled to be appointed as First Grade Draftsman, having regard to his qualifications and that he is, therefore, entitled to a direction for such appointment. His complaint is that one Mini Mary Varghese has been given such appointment. He also relies on Ext.P7 by which another person, namely, Gitsy Thomas, was appointed. Ext.P3, Government Order, does not apply and his appointment has to be regulated as per Ext.P1.

2. In the aforesaid circumstances, benefit of appointment as claimed having been extended to similarly situated persons, as is

discernible from Exts.P6 and P7, this original petition is disposed of directing that the case of the petitioner for appointment as First Grade Draftsman, in terms of Ext.P1 shall be taken up, considered and decided upon by the respondent. Having regard to the materials on record, let such a decision be taken, within a period of five months from the date of receipt of a copy of the judgment.

Original petition is allowed to the aforesaid extent. No costs.

**THOTTATHIL B.RADHAKRISHNAN**
**Judge**

ms

**THOTTATHIL B. RADHAKRISHNAN, J.**

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O.P.No. 9689 of 2001 (C)

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**J U D G M E N T**

8th June, 2007